

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JODI L. AUKER  
DBA: FURNITURE SOLUTIONS OUTLET,  
LLC, NITTANY SLEEP, LLC

CHAPTER 13

Debtor(s)

CASE NO: 4-15-01927-JJT

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

MOTION TO DISMISS

vs.

JODI L. AUKER  
DBA: FURNITURE SOLUTIONS OUTLET,  
LLC, NITTANY SLEEP, LLC

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha R. McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on May 5, 2015.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - 05/28/2015 09/02/2015 04/14/2016 11/03/2016 03/02/2017 10/23/2017.
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 2 months in default with arrearages of \$4,774.00 through April 19, 2018.
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.

8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: April 19, 2018

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Charles J. DeHart, III

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Fax: (717) 566-8313

eMail: amchale@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion. Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

**CONFERENCE before Trustee:**

May 25, 2018 at 9:30 am  
U.S. Courthouse and Federal Building  
240 West Third Street  
Williamsport, PA 17701

**HEARING:**

May 25, 2018 at 10:05 AM  
U.S. Courthouse and Federal Building  
Courtroom #1, 4th Floor  
240 West Third Street  
Williamsport, PA 17701

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OF YOUR CASE.**

**PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.**

Dated: April 19, 2018

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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**CERTIFICATE OF SERVICE**

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on April 19, 2018.

DONALD M. HAHN, ESQUIRE  
122 EAST HIGH STREET  
P.O. BOX 209  
BELLEFONTE, PA 16823-

JODI L. AUKER  
145 SUMMIT DRIVE  
CENTRE HALL, PA 16828

Dated: April 19, 2018

Respectfully submitted,

s/ Liz Joyce  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
eMail: dehartstaff@pamd13trustee.com

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.